

From: [Paul Edgar](#)
To: [Trevor Martin](#); [Laura Terway](#)
Subject: Re: Oregon City Municipal Code Section 17.40 (Note this is the longest email I have ever written), written 3/28/2005 on Historic Preservation & Canemah (Make this part of the Record)
Date: Wednesday, March 01, 2017 5:01:25 PM

Let me share some information and history of a battle that we all won, over that of what was deemed - Irresponsible and non-Compatible High Density and not well thought out development.

The developer was Ken Zahler and he choose to go with a much less density, as the Mayor (Alice), the City Commission, Dan Drentlaw and Nancy K all got pushed by Larry Patterson, into seeing that it what was happening was not in everyone's best interest.

This led to a commitment for a "Low Density" compromise, for the Canemah Historic District.

I was on Point and we had meetings after meetings at City Hall, with SHPO and everyone.

People forget and new people come into the picture with no understanding.

As someone who loves history, documents history and works to preserve our history, we need your continued help.

Paul

----- Original Message -----

From: [Paul Edgar](#)
To: [Rep. Wayne Scott](#)
Cc: [Carolyn & Reed Rothschild](#) ; sara.watson@state.or.us ; [Denyse McGriff](#) ; [Howard Post](#)
Sent: Saturday, March 26, 2005 11:58 AM
Subject: FW: Oregon City Municipal Code Section 17.40 (Note this is the longest email I have ever written)

The Canemah Stakeholders are asking Representative Wayne Scott to help us schedule our group before the LCDC at the next possible moment to where we can bring their oversight into play because the City of Oregon City has opted to totally disregard their own Land Use Municipal Code Section 17.40 H which covers Historic Overlay District's. This blatant disregard of their own processes that are identified in their own code places the integrity of the only Registered National Historic District in Clackamas County into immediate jeopardy.

This failure on the part of City Officials to support their own code is spelled out in this email that I previously copied you on. It is long and to some it maybe a difficult read. I am sure it has some misspelling and/or improperly used words. However after having my personal attorney read this email and after he read this Municipal Code Section 17.40 he stated to me that he could not find any gross errors in my logic and in legal terms and he went on to say that he is not a Land Use Attorney but that there is all appearances that the City is in violation of their own land use code.

We are asking for this to be considered in an emergency request because of the possible permanent harm that could occur to this State of Oregon and National Historic Landmark District. If you think that the State Attorney General should step into this case, please bring it to his attention too.

What we need is an immediate Temporary Restraining Order that is placed on the developer/builder and the City of Oregon City where they are forced to withdraw the "New Construction" permit that was issued to Ken Zahler to build "Public Sanitary Sewer" infrastructure in The National Historic District of Canemah without a required "Certificate of Appropriateness". From what we understand this TRO should evolve into what is considered "Injunctive Relief".

Thanks, Paul O. Edgar

-----Original Message-----

From: Paul Edgar [<mailto:pauloedgar@qwest.net>]

Sent: Tuesday, March 22, 2005 5:39 PM

To: Trent Tidwell; Tom Lemons; Damon Mabee; Bob Bailey; Alice Norris; Howard Post; Christina Robertson-Gardiner; Dan Drentlaw; Larry Patterson

Cc: Roger Roper; Steve Mayes; Senator Kurt Schrader; Rep. Wayne Scott; Alan Shull; James Roddey; Carolyn & Reed Rothschild

Subject: Oregon City Municipal Code Section 17.40 (Note this is the longest email I have ever written)

I have a document (Canemah Historic District, Design Review Guidelines - Alterations - Additions) given to me at the time my wife and I embarked on the rebuilding project of rebuilding our historic house. I recently found the document in a box. It says on the bottom of this first page "Adopted by the Oregon City Historic Review Board pursuant to the Oregon City Municipal Code Section 17.40 - January 28, 1982".

My questions revolve around how much and what is in this document has been modified or amended? Because if it has not been amended or modified it brings into question if this Municipal Code Section 17.40 is and has been followed as specified in the Ken Zahler development requests and permitting process.

On the first page E-32 it shows in highlighting what appears to be houses that have been identified as "Building of Historic/Architectural Significance" and within the "National Register Historic District Boundary Shown". Our house and three other houses are highlighted, within this boundary and are immediately next to the proposed Ken Zahler Development. There are a lot of other houses highlighted but not immediately connected to the Ken Zahler Development. The importance of these "Building of Historic/Architectural Significance" and designation is important because they become "Landmarks" as I read into this document. Because they are "Landmarks" they in fact have special rights granted under this section of Municipal Code.

Overview Page of Document; "Canemah - Matters Requiring Review to Historic Review Board" and paragraph "New Construction" states "All new construction must be submitted to the Board for design review". My question is how can the permitting to build new sewer lines in Historic Canemah as proposed by Ken Zahler development not be considered new construction? In the legal since the definition is very clear and it is new construction.

Page 1; "Canemah Historic District Design Review Guidelines, Alterations - Additions", paragraph A. Siting - 1, identifies that there is a required "relationship of new additions to the street and to the open space between building shall be compatible with adjacent historic buildings and with the historic character of the District". My question is how can this "Guideline" of a relationship to open space between building be met by the proposed Ken Zahler development by the City permitting of the building of sewer infrastructure that will in its design put the lateral sewer connections for 10 houses tightly packed together. One of the lots in the proposed Ken Zahler Development is on a 50' x 100' lot squeezed between two houses and is totally inconsistent with historic and cultural densities found in the upper 4th and 5th Avenue areas of this Historic District.

Page 2 through 8 has nothing of concern.

Page 9; "Chapter 17.40 "H", Historic Overlay District" provides the index of the sections of the code and starts with 17.040.010 "Purpose": It is declared as a matter of public policy that the protection, enhancement, perpetuation and use of improvements of special character or special historical or aesthetic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this chapter is to:" and is divided into paragraphs A through I.

Paragraph A; from what I have read is not being met by allowing the proposed high density 10 lot Ken Zahler development to put in sewer infrastructure where only ONE House had previously existed. This will permanently alter historic densities that effect the neighboring historic houses and the culture that they represent.

Paragraph B; from what I have read and understand this paragraph cannot be met by allowing and permitting this level of sewer infrastructure that encourages greater development exceeding the statement of the needs of safeguards to protect the "City's historic, aesthetic and cultural heritage".

Paragraph C; this paragraph asks if the Ken Zahler development "Complement any National Register Historic Districts designed in the City" and the answer is how could it. It by its overwhelming density in the heart of Historic Canemah will alter permanently the cultural interpretations of the district by changing the relationships with the land and the immediately adjacent Historically Significant Houses, which are "Landmarks" in themselves.

Paragraph D; this paragraph asks if proper development can stabilize and improve property values and the answer is yes. However the Ken Zahler development can have the opposite effect on the District and the Historically significant houses immediately adjacent to this proposed development. To great of a change in the density and the natural spacing between houses that has historically existed will reduce the historic significance and value of these houses.

Paragraph E; this paragraph asks if this proposed Ken Zahler development will "foster civic pride (I think they met "Pride") in the beauty and noble accomplishments of the past". I think the answer is NO! How could this degree of change that will alter and overwhelm this district foster civic pride and enhance the accomplishment of the past?

Paragraph F; this paragraph asks if this proposed Ken Zahler development will protect and enhance the City's attraction to tourists and visitors. My question is how could this development support and attract tourists and visitors to Historic Canemah.

Paragraph G; this paragraph asks if tearing down or reducing the significance of the National Register Historic District of Canemah will strengthen the economy of the City. How can it?

Paragraph H; this paragraph asks if the Ken Zahler development will promote the use of the use of the historic district and landmarks for education, pleasure, energy conservation, housing and public welfare of the City. The answer is NO!

Paragraph I on next page; this paragraph asks if the provision of LCDC Goal 5 is being met and that is a big question mark?

Page 10, 17.40.020 "Definitions" is a very important section of this document because it clarifies the terms used:

"Alterations" in this definition it appears to relate to physical building and/or landmarks. It states any physical change shall be considered a form of alteration.

"Architectural Significance" is related to a structure and/or the district and the definition was divided into four sub paragraphs:

1. It asked if (in our case if the Ken Zahler development) portrays the environment of a group of people in an era of history characterized by distinctive architectural style. The answer is how could it! This proposed development will overwhelm existing architectural inventory of houses and the land around it.

2. (Next page) It asks if new development embodies those distinguishing characteristics of an architectural-type specimen. The answer is NO!

3. It asks if the work of an architect or master builder whose individual work has influenced the development of the City. The answer each individual historically significant house in Canemah is what made this district the only National Registered Historic District in Clackamas County and Oregon City. To permanently alter their significance through this proposed high-density development would reduce the influence of the architects and master builders that built them.

4. It asks about containing elements of the architectural design, detail, materials or craftsmanship of the existing building to ensure their significance. If the immediate new building proposed that are to be built in the proposed Ken Zahler development are not required to have wood casement windows, wood siding and/or material not found in the period of the historically significant houses immediately adjacent to this development how can these houses maintain their significance if overwhelming high-density development with inconstant material and design is allowed and permitted.

"Board" is shown to mean the Oregon City "Historic Review Board".

"Demolish" is shown to mean "to raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of the designated landmark or structure in a Historic or Conservation District. I would find it very hard to believe that this proposed Ken Zahler development does not cause in some manner the partial ruin of the Carolyn & Reed Rothschild historically significant and landmark house from being overwhelmed and crowded out from its significance. This even affects my immediately adjacent house where my wife and I put our life's saving restoring it. We want to put it on the National Registry of Historic Houses and this proposed development can permanently alter its significance. Overwhelming development "demolishes" the historic significance of the district and its historically significant houses.

"District" this definition refers to boundaries found on or provided by the zoning maps of the City and refers to the Canemah Historic District the McLoughlin Conservation District and a historic corridor mostly identified with the Oregon Trail.

"Exterior" this definition refers to the outside of a landmark building, structure, or site in a district or any addition thereto. This is a more open definition and can be interpreted to include in the word "site" anything out side of a building or structure. It can mean then also the land within the district.

"Historical Significance" has the definition divided into four sub-paragraphs;

1. It refers to the character, interest or value, as part of the development, heritage or cultural characteristics of the City State or Nation. Just being in the boundaries of the Canemah National Historic District means all building and lands are of historical significance and are

considered important to maintaining the historical integrity of the district. It is also can claim that individual building and lands in themselves have rights to ensure their significance.

2. (Next page) It refers to a historic event with an effect upon society. When you read the history of Canemah it refers to the roll it played in settlement of the Oregon Territory. It tells mister Hedges settled site and developed it to be a major shipping, shipbuilding center in Oregon. It tells how he built with the City of Oregon city a road to traverse the rocks and cliffs so that commerce could move up and down the river. It tells how the 1861 flood wiped out most of Canemah and how the people started moving up the hill and putting more stately houses for the ship captains on the hill side. The first federal judge of the Oregon territory built his house in this proposed Ken Zahler development lands. It was the only house on these lands for early part of Canemah's history. In the 1870's and in approximately 1900 two other houses were built, the Carolyn & Reed Rothschild's and the Carey's on the corner of 4th and Miller Street.

3. This is identifying historic significance with a person or group of persons who had some influence on society. This site has been identified with one person the "Judge" and very limited other people and/or development.

4. This refers to the cultural, political, economic, social or historic heritage of the community of "historically significant" lands, architecture, building and the district its self.

"Historic Corridor" means that portion of a parcel of land is part of a designated linear historic feature such as the route of the Oregon Trail-Barlow Road. When you read the history of Canemah you will find that 5th Avenue was originally the Oregon Trail out of Oregon City taking the settlers and their wagons to the upper Willamette River valley. 5th Avenue borders on this proposed Ken Zahler development. It in its self can alter the view and the significance of this route of historical importance.

"Historical Site" means the structure and property surrounding a landmark, a structure in a historic district, or a designated structure in a conservation district. All of the National Register Historic District of Canemah is by this definition a "Historical Site".

"Major Public Improvements" means the expenditure of public funds or the grant of permission by a public body to undertake change in the physical character of lands or the making of public improvements within a district, except for the repair or maintenance of public or private improvements within a district. It would be hard to believe that the building of a major extension and expansion of the city sanitary sewer system into and through the Ken Zahler development land is not a "Major Public Improvement".

17.04.030 "Designated" is divided into three sections:

A. Refers to how the Historic Overlay District shall apply to the following:

1. Historic Districts, upon their designation and Canemah is Designated and Nationally Registered.
2. Conservation Districts like the McLoughlin Historic District.
3. Landmarks like the McLoughlin House and Canemah as a whole is considered a Statewide Historical Landmark of Significance as per Oregon Revised Code.
4. Exemplifies the cultural, political, economic, social or historic heritage of the community. Canemah is and represents each of the keywords of the above sentence.

B. This refers to the boundaries of the historic district designated on a special City zoning map or maps.

C. (Next Page) It lists the following that are "Designated" in Oregon City and are within a Historic Overlay District" and they are listed as 1. Canemah, 2. The McLoughlin Conservation District and The Oregon Trail - Barlow Road Historic Corridor.

17.40.040 "Citizen Involvement" is divided into two sections.

A. It states that the Planning Department shall be authorized to incur expense in holding public workshops in historic districts and conservation districts, distribute written information, show slides and answer questions on remodeling and rehabilitation of older building, and educate the public in the needs to comply with State and Federal laws protecting or encouraging protection of antiquities and other related matters concerning historic preservation. This is like telling everyone that the city has to take every step to lead and show the way that Historic Preservation is important and the staff is empowered to make it happen. This is like the effort to aid the Canemah Stakeholders and they would be part of the "Citizens Involvement" and efforts with the Canemah Neighborhood Association.

B. This section refers to citizens making applications for district or landmark designations or for exterior alterations or new construction in a historic or conservation district and historic corridor or on a landmark site may receive advice from the Planning Department staff.

(Next Page) 17.30.050 "Designation Procedure - Application - Review" is divided into five sections:

A. This section is divided into two sub-sections and refers to the fact that most anyone can initiate a request/application for designation as a historic district, conservation district, landmark, or historic corridor. Canemah is a Nationally Registered Historic District but with this email I am also requesting that 5th Avenue which was an extension of the Oregon Trail and after that a Territorial Road and it gets the additional designation of a

"Historic Corridor".

1. This sub-section states that there are no minimum information requirements other than the description of the boundaries. I am requesting that it start at Center Street and follow it South to where it connects to South End Road with its on going connection to what is now 5th Avenue and in a line to where it would connect to the historic Canemah Cemetery Road. The Historic Canemah Cemetery Road is the best example of this early wagon road still as it was.

2. This sub-section states that by sending a written application to Planning Staff these proceeding can be initiated. I am through this written email requesting the designation of 5th Avenue as a "Historic Corridor".

B. What is the application that is required and this section is divided into five sub-sections:

1. Applicant's name and address. I am Paul O. Edgar at 211 5th Avenue (Canemah) Oregon City, OR 97045

2. Owners name if a different address

3. Description of the boundaries: Center Street from where the historic accounts of where the wagons ascended the bluff above the lower plain and headed South to where Center Street connects with what is now South End Road to where South End Road connects with 5th Avenue in a line to where it would connect with the Historic Canemah Cemetery Road. It should include the Historic Canemah Cemetery Road as a preserved example of the historic significance of retaining view of this living history.

4. Maps illustrating these boundaries of these roads are on file at the city. Any additional information should be capable of being researched and added by city staff.

5. This request statements explaining the following which is divided into three sub-sub-sections

a. This wants reasons for the request. It is the preservation of real viewable history and worthy.

b. This requests why the boundaries. They are documented in history and are all within the City boundaries.

c. This wants the positive and negative effects of a designation. On the positive it will place into effect an overlay on all lands in this corridor and force any development to come before the historic Review Board and comply with all of the requirements found in a historic overlay. This forces responsible development that passes all public process and meets goals historic preservation. On the negative side it slows up the process by placing additional steps into government and private developers.

C. (New Page) This sets time frames where the city must process applications for designations and requires written recommendations or decisions approving or rejecting.

D. This section states that the Historic Review Board shall be limited to its review and it is divided into two sub-sections:

1. It is weather this proposed designation would serve the purpose of a Historic Overlay District.

2. It is to determine if the request is in conformity with the purposes of the City Comprehensive Plan.

E. The City Commission Review of District is divided into six sub-sections:

1. It states that the Historic Review Board shall process and give to the City Commission recommendation in 30-days.

2. The City Commission is to hold public hearing pursuant to procedures contained in Chapter 17.68

3. The City Commission is to render a decision by refusing to designate, to designate by enacting ordinance or to remand the matter back to the HRB for additional considerations.

4. The City Commission may limit itself to the proposed district and as so modified approve it.

5. Any approval or disapproval must be in writing and shall state the reasons of the approval or disapproval.

6. (Next Page) An amendment or rescission can occur. This sub-section states that the same procedure is to be used. It also states that the board shall give priority to designations of potential districts and landmarks indicated in the Comprehensive Plan.

17.040.060. "Exterior Alterations and New Construction" is divided into ten sub-sections and many sub-sub-sections.

A. This is a very important sub-section and it identifies that NO person shall alter any historic site in such a manner as to affect its exterior appearance, nor shall any new structure be constructed in a Historic District, Conservation District, Historic Corridor, or on a Landmark Site, unless a certificate of appropriateness has been previously been issued by the Historic Review Board. I must note at this time that this has not occurred with the Ken Zahler Development in Canemah. It goes on to state that a building addition that is thirty percent or more in size of the original building shall be considered new construction in the district. It goes on to state the NO major public improvements shall be made in a district unless approved by the board and given a certificate of

appropriateness. To prevent legal action taken against the city for failure to comply with its own rules, goals and ordinances the City should immediately withdraw its sewer construction permit from Ken Zahler and comply with its own procedures and take any request before the HRB and ask for a certificate of appropriateness.

B. This states that any request must be taken to the City Planning staff and they are directed to forward it to the HRB in such form and detail as prescribed by the board.

C. This section is divided into two subsections:

1. This sub-section deals with the HRB being in compliance with Chapter 17.50 for public hearing and conditions for approval or disapproval and the issuance of a certificate of appropriateness.

2. This sub-section provides three administrative approval conditions/sub-sub-sections.

a. This deals with the construction of foundations and appears to grant administrative HRB policy 1 review.

b. This deals with storm widows to structures on Historic Sites and grants HRB policy 2 reviews.

c. This deals with siding to historic structures and grants HRB policy review.

D. This section is divided into nine sub-sections and deals with the criteria used by the board in reaching a decision on the certificate of appropriateness.

1. This sub-section asks for the purpose of the request as set in 17.040.010

2. This sub-section asks for the related provisions of Comprehensive Plan that relate to request.

3. This sub-section asks for explanation of the economic use and the reasonableness of the proposed alterations and their relationship to public interest in the structures or landmark's preservation or renovation. We in the neighborhood have questioned the public interest and appropriateness of the Ken Zahler High-Density Development in the Historic District of Canemah. We have questioned the relationship of the request of the city to Ken Zahler to extend City Sanitary Sewer past his own needs to where it open up greater development that may or my not be in the best interest of the public and may and may not be in support of maintaining the historic integrity of the Registered Historic District.

4. This sub-section asks for a value and significance of the Historic Site. How do you value supporting preservation of an existing historic site?

5. This sub-section asks for information on the physical condition of the Historic Site. It is currently very native and nay change will be significant not all bad.

6. This sub-section I believe will mostly with the future buildings that may get built. It will govern general compatibility of exterior design, arrangement, sighting, size/scale, etc to determine appropriateness.

7. This sub-section is pertinent to aesthetic factors designated by the board.

8. This sub-section deals with economic, social, environmental and energy consequences.

9. This sub-section deals with guidelines adopted by the HRB.

E. This section deals with the criteria for the HRB to use with a request of appropriateness of new construction in a Historic or Conservation District and it is divided into seven sub-sections.

1. It asks for the purpose of the request to what appears to me as the criteria for setting up a new Historic Conservation District.

2. This sub-section asks for the provisions that identify the reasons within the Comprehensive Plan.

3. This sub-section asks for the economic effects of proposed structures on the historic value of the district or historic site.

4. This sub-section asks to identify the effects of the proposed new structures on the historic values of the district or historic site. It is important that if this proposed new Ken Zahler Development High-density development negatively alters the integrity of Nationally Registered Historic District of Canemah the loss to the city, state and nation cannot be adequately valued.

5. This sub-section deals with the general compatibility of the exterior design of the building, size and scale to the site and the building around the site.

6. This sub-section deals with economic, social, environmental and energy consequences.

7. This sub-section deals with what are the current adopted design guidelines by the HRB.

F. (Next page not numbered) This section deals with the criteria for the HRB to use with a request of appropriateness of new construction within a Historic Corridor and it is divided into six sub-sections

1. It asks for the purpose of the request to what appears to me as the criteria for establishing a new Historic Corridor.
 2. This sub-section asks for the provisions that identify the reasons with the Comprehensive Plan.
 3. This sub-section asks for the impact on the visible evidence of the Oregon Trail. This request to make a new extension of the Oregon Trail heading south out of Oregon City through Canemah is well documented in most all history of the Oregon Territory.
 4. This sub-section asks for the impacts on archaeological evidence and documented knowledge of archaeological evidence of the corridor's use. There are etching of in the cliffs where the wagons stopped by the new settlers as they provisioned themselves at water wells prior to the major push to find their and establish their land grants south of Oregon City.
 5. This sub-section deals with the visual impacts of new construction within a Historic Corridor.
 6. This sub-section deals with general compatibility of the site design and location of new construction within a Historic Corridor. It has a relationship with the standards of the next sub-section G.
- G. This sub-section applies to the standards to development within Historic Corridors and has two sub-sub-sections
1. It ties this to the Oregon Trail - Barlow Road Historic Corridor with a request for a 30-foot visual corridor and that it should be maintained and shall follow the actual route of the Oregon Trail, if known. I believe that the request to make 5th Avenue a "Historic Corridor" is reasonable request and is appropriate within the historic district of Canemah.
 2. This sub-sub-section identifies visual parameters on new construction and signs of construction within a historic corridor.
- H. This states that in rendering a decision the board will do it in writing and shall specify in detail the basis therefore.
- I. This states that nothing in this section shall be construed to prevent ordinary maintenance or repair of any exterior architectural features which does not change in design, material or outward appearance of such features which the building official shall certify is required for public safety because of unsafe or dangerous conditions.
- J. This sub-section applies to identifying criteria for exterior alteration that may be subject to administrative procedures. They identify fences on historic sites as an example. It appears that they exclude additions/exterior alterations to incompatible structures. There are eight sub-sub-sections to quantify and elaborate on this sub-section.

1. It states a notice of the proposed certificate of appropriateness shall be mailed to the following persons.
 - a. Applicant.
 - b. All property owners within 300-feet of the property which is subject of an application.
 - c. A recognized Neighborhood Association and a Citizens Involvement Committee Representative of the neighborhoods involved.
2. This states that the failure of the property owner to receive notice shall not invalidate the action if good faith attempt was made to notify all persons entitled to personal notice.
3. This states that the notice shall also be given by publication in a newspaper of general circulation in the area affected.
4. This states that any person may request before the HRB a public hearing on any request for an certificate of appropriateness within 10-days of the public notice.
5. This states that the HRB must have a public hearing within 45-days of any request for a public hearing on the issuance of a certificate of appropriateness.
6. This states that the HRB can deny or approve this application with or without conditions following procedures as established in Chapter 17.50.
7. This states that in event there is no request for a hearing filed, the HRB through its chairperson and Planning staff shall issue a certificate of appropriateness and can do so without future hearing.
8. This states that the Board may adopt policies for review of applications for certificates of appropriateness in Historic Overlay Districts. These policies changes and updates shall be adopted only after notice and where the opportunity to be heard and with comment is offered to Planning Staff, Planning Commission, and the City Commission.
17.40.070 "Demolition and Moving" I will not comment on this Section of the Oregon City Municipal Code at this time.

It is my hope that I have fostered an understanding that the City of Oregon City has a requirement that I read from this section 17.40 of city codes that requires the city to pass all construction within the Canemah Historic District through its own Historic Review Board and that the current construction permit given to Ken Zahler must be pulled back until a certificate of appropriateness is issued by the HRB and the City of Oregon City.

Thanks, Paul O. Edgar

PS. If you find some mistakes in wording I am sorry but I hope the logic and interpretations are correct.

From: [Paul Edgar](#)
To: [Laura Terway](#); [Trevor Martin](#)
Cc: [Denyse McGriff](#); [Jesse A. Buss](#); [Jim Nicita - Home/office](#); [Ron Bistline - Beaver Creek & Canemah](#)
Subject: Cottage homes, HR 16-09, HR 16-10, HR 16-11, HR 16-12, HR 16-13, HR 16-14
Date: Thursday, March 09, 2017 5:47:18 PM

HELP,

The way I understand and interpret the OCMC code as written, we have four historically (1865) platted - 5,000 Sq. Ft. lots, and three of them are compromised with an adjudicated Wetland Boundary within them.

No Land Use action has been filed, that consolidates these lots/parcels and vacates a 12' wide alleyway.

On the uphill side (next to unimproved 5th Avenue) of this property, there are two lots and a alleyway and one lot.

There is a Wetland with an adjudicated by the State Division of Lands with a Boundary, that has been established, that goes through all three of the lots.

You cannot build a structure in a State recognized Wetland. This Wetland was not mapped or listed and therefore does not require setbacks adjudicated by OCMC Code.

Therefore the property owner has the right to build right up to the Wetland Boundary. (Not good, but legal.)

The Wetland cannot be used or considered within any build-able density calculation, of coverage of these lots with structures or pavement.

On this uphill side of these three lots, there is small space between the Wetlands boundary, creating a small strip of land between the Wetland and unimproved 5th Avenue ROW.

The density of structures and pavement is to not represent greater than 30%, calculated separately, on each of the lots.

RAW calculation, after excluding Wetlands Sq. Footage, the amount of land remaining available for development, appear to represent approximately 3,000 Sq. Feet spread across the three lots, in total.

The one lot without Wetland set-a-side, of the four lots is (50' x 100') and has the 50' frontage on 4th Avenue, next to a 12' wide public alleyway.

From what I can see is that there is approximately only maybe 8,000 Sq. Ft. of property left, that can be developed in Land.

However, when set-backs are applied along the Miller Street ROW, as is required in our code, and to align any new infill structure with the neighboring historic house there is very little property left to be developed at this site.

Please explain and provide justification for possible "Preservation Credits" to allow to build

structures right up to the Miller Street public right-of-way, in a incompatible way with the Historic structure next door.

Please help clarify this thinking.

When calculating this, there appeared to be only room for one houses and a ADU and/or carriage house garage, after subtracting the Wetlands property and the required setbacks?

Without the developer going to the Planning Commission in advance of this HRB hearing, there are four separate 5,000 Sq. Ft. Platted Lots and a twelve foot wide alleyway in public domain.

Additionally, what I presented to the Natural Resources Committee, in regards to protecting the water resources and eliminating the small pipe and restoring the historic creek bed, needs to be part of this.

Also the breadth of the water flow, from the Historic Canemah Water Works that feeds the Wetlands must be fully discovered as it is part of the history and landscape.

Can you also help me understand how you can advance a building/development plan, that also makes this huge cut into the 4th Avenue bank, that subsequently requires 12' high walls, prohibited by OCMC Building Guidelines and Historic District Guidelines can be part of this Development Plan?

Paul Edgar

Written Comments for: File No: HR16-09, HR 16-10, HR 16-11, HR 16-12, HR 16-14

Person Submitting: Victoria (Tori) Goodwin

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805-423-7371

I'd like to make a few points as well as ask a couple of questions.

The chair of the HRB was set back by the fact that a few of us neighbors would rather see bigger homes than these small homes - my explanation is simple:

I'm concerned as the models and drawings that are being shown do not portray the reality of the "accessories" that will go with this development. The drawings and model show the homes and landscape only. The model and drawings do not picture the 14+ cars, the 14+ people, the 14+ trashcans or dumpsters, lighting on homes and in parking lots, mailbox station or mailboxes, possible bbq's, possible bicycles, possible kids toys; because there are no garages, those patios will presumably become storage...I'd love for them to show or even visualize a realistic depiction of the community and then they might realize how much better larger homes would be as they are self-containing - yards, side yards, garages – adding a much better appeal and continuity to our neighborhood. I am pretty positive if the model or drawings were redone to reflect “real life”(not just homes/landscape) the HRB panel might understand why we as residence would prefer larger homes rather than cottage homes.

The architecture is very modern. The glass, sky lights, cut-outs are all beautiful but not historically respectful.

My home is well seen on a prominent corner in Canemah and a nationally historically recognized home. This development will engulf the historical aspect of this home in a very modernized look and completely change the environment and “look” that this corner historically has held onto since the beginning of Canemah. If maintaining and respecting the historical building and it's context is the goal – then this project and the major changes (grading/retaining walls/parking lots,) that are being proposed to the topography will not respect it; it will detract from the historic building (Cassidy home)

Mr. Staggs had made it clear this would be an HOA. He has not clarified if these homes would be leased or if he will be selling homes on leased land? And then who is going to be sure the HOA CCR's reflect our historic guidelines? Who reviews or approves his CCR's? Our neighborhood is a unique situation in which we are not free to make changes to the outside of our homes without permissions and are held to certain specifications. Does this HOA report to the CNA?